IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 946 OF 2007
IN
WRIT PETITION NO. 1986 OF 2006

Somaiyya Vidyavihar ....Petitioner.
V/s
Shekhar Deshmukh & Ors.... ....Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar' orders.	Court's or Judge's Orders

---

Mr.K.K.Jadhav, Adv. for the applicant.

Ms.Ushaji Peri i/by Mr.Mihir Desai, Adv. For respondentg No.1.

Mr.A.P.Vanarse, AGP for respondents 2 & 3.

CORAM: A.P. DESHPANDE, J.
29.6.2007

PC:

By the present application the petitioner-Society seeks permission to withdraw the sum of Rs.2,52,785/- which according to the applicant is the excess amount deposited. The petitioner has deposited a sum of Rs.7,07,657/- pursuant to the order passed by this Court dated 22.8.06 in Civil Application No. 1928/06. Reply has been filed by

the respondent candidly admitting the fact that the petitioner has deposited some amount in excess. The respondent No.1 has denied that the amount which ought to have been deposited actually works out in the sum of Rs.4,54,874/-. According to the respondent some more amount is required to be deposited. I do not propose to go into the calculation part of the same. In view of the fact that according to petitioner he has deposited a sum ofRs.2,52,785/- in excess I permit withdrawal of the said amount by the applicant-petitioner. This permission of withdrawal is without prejudice to the rights of the respondent which would be subject to final decision of the matter. C.A. stands disposed of accordingly.

29.6.07.